

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 17-965 JB

KIRBY CLEVELAND,

Defendant.

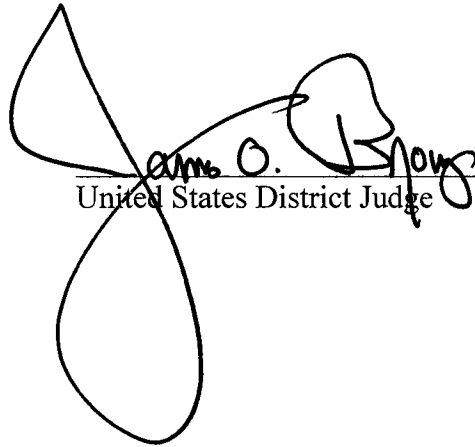
**ORDER EXTENDING DEADLINES
RELATED TO DEFECTS IN THE INDICTMENT AND
FACIAL CHALLENGES TO THE DEATH PENALTY**

This matter is before the Court on Defendant Kirby Cleveland's Unopposed Motion to Extend Deadlines Related to Defects in the Indictment and Facial Challenges to the Death Penalty [Doc. 71]. The Court finds this Motion is unopposed, well-taken, and should be granted. Accordingly,

IT IS HEREBY ORDERED that the Scheduling Order entered on July 10, 2018 [Doc. 68] is amended as follows:

1. Motions alleging defects in indictment or institution of proceedings (Rule 12(b)(3)(A) and (B)) shall be filed on, or before, October 1, 2018;
2. Facial challenges relating to capital punishment, including challenges to the Federal Death Penalty Act, and the death penalty *per se* shall be filed on, or before October 1, 2018;
3. Responses to motions filed in response to the pleadings identified in Paragraphs 1 and 2, shall be filed on, or before October 29, 2018;

4. Replies in support of the pleadings identified in Paragraphs 1 and 2, shall be filed on, or before November 12, 2018.
5. All other deadlines contained in the Court's Scheduling Order [Doc. 68] remain unaffected by this Order.



James O. Spang
United States District Judge

Submitted by:

/s/ Electronically filed

Donald F. Kochersberger III

Attorney for Kirby Cleveland